

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 753 - HB 1246

March 18, 2019

SUMMARY OF BILL: Requires the Department of Education (DOE) to release to each LEA and public school: 50 percent of the test questions and correct answers from the Tennessee Comprehensive Assessment Program (TCAP) tests and end-of-course examinations administered in the 2019-20 school year; 75 percent of the test questions and correct answers from the TCAP tests and end-of-course examinations administered in the 2020-21 school year; and 100 percent of the test questions and correct answers from the TCAP tests and end-of-course examinations administered in the 2021-22 school year. Requires DOE to ensure that the test questions and correct answers are released to LEAs and public schools no later than 30 days after the TCAP tests and end-of-course examinations are scored.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures – \$2,076,100/FY19-20
\$3,818,900/FY20-21
\$8,401,400/FY21-22 and Subsequent Years**

Other Fiscal Impact – Passage of this legislation may jeopardize part of the annual federal K-12 education funding.

Assumptions:

- DOE has a contract with ETS that includes developing assessment items and soliciting feedback from Tennessee educators. Assessment items are typically developed well in advance of the school year in which they are administered.
- Each year, state assessments contain a number of "field test" and "linking" items. Field test items are items that are tested for use on an assessment in a subsequent year. Linking items appear on assessments in multiple years and are used to ensure that scoring is consistent across school years.
- These items are not considered when determining a student's score for the assessment, but the responses are used to validate the items for inclusion on future assessments.
- Tennessee Code Annotated § 49-6-6008 currently prohibits the release of assessment information required by DOE to validate future administrations of the assessments; items that are being field tested for future administrations of the assessments; or passages, content, or related items if the release would be in violation of copyright infringement laws.

SB 753 - HB 1246

- Tennessee Code Annotated § 49-1-610 requires 30 percent of assessment questions to be new each year and allows for the release of items that are no longer needed.
- DOE's current budget and contract allows for spending associated with the release of 30 percent of assessment items which costs \$4,092,531. The requirement to release and develop a greater number of assessment items is estimated to increase state expenditures in subsequent years as follows:
 - FY19-20 (50 percent released) : \$2,076,112
 - FY20-21 (75 percent released) : \$3,818,926
 - FY21-22 and subsequent years (100 percent released): \$8,401,434
- It is assumed the DOE will be able to accommodate the provisions of this legislation within existing resources without an additional appropriation or a reduced reversion.
- According to DOE, releasing field test and linking items that will be used on future assessments could be viewed by some students or educators; this would threaten the overall quality and validity of the state assessment.
- According to DOE, failure to provide a valid assessment may erode trust in the results and would likely put Tennessee in violation of the federal Every Student Succeeds Act. Annual federal K-12 education funding of \$1,129,269,800 is identified in the Governor's recommended budget document for FY19-20, on page B-77.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/alh